Constitution of the Kingdom of Iraq

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March 21, 1925, as amended July 29, 1925.

[Translation] *(1)*

In the name of God, the Merciful, the Compassionate!

We, King of Iraq,

As a result of the decision of the Constituent Assembly, have confirmed our constitution and have ordered its promulgation.

Introduction

Art. 1. This law shall be known as «The Iraq constitution»; its provisions shall be in force in all parts of the Kingdom of Iraq.

Art. 2. Iraq is a sovereign State, independent and free. Her territories are indivisible and no portion thereof may be given up. Iraq is a constitutional hereditary monarchy with a representative Government.

Art. 3. The city of Baghdad shall be the capital of Iraq. In case of necessity, another place may be selected as capital, in accordance with the provisions of a law.

Art. 4. The flag of Iraq shall be of the following shape and dimensions: - The length of the flag shall be double its breadth. It shall be divided horizontally into three colours of equal size and parallel to each other, the upper section being black, the others white and green respectively. On the side of the staff there shall be a red trapezoid, the greater base of which shall be equal to the breadth of the flag and the lesser base equal to the breadth of the white section, the height being equal to one quarter of the length of the flag. In the centre there shall be two white stars of seven points each, in a perpendicular position, parallel to the staff.

The position of the flag, and the arms, insignia and decorations of the State shall be determined in accordance with special laws.

Part I. The Rights of the People

Art. 5. Iraq nationality shall be defined by a special law and will be acquired or lost in accordance with the terms thereof.

Art. 6. There shall be no differentiation in the rights of Iraqis before the law, whatever differences may exist in language, race or creed.

Art. 7. There shall be no violation of, or interference with, the personal liberty of any of the inhabitants of Iraq. None of them shall be arrested, detained, punished or obliged to change their place of residence, or be placed in bonds, or compelled to serve in the armed forces, except in conformity with law.

Torture and the deportation of Iraqis from the Kingdom of Iraq are absolutely forbidden.

Art. 8. The inviolability of all places of residence is guaranteed. They may not be entered or searched except in such circumstances and in such manner as may be prescribed by law.

Art. 9. No person shall be prevented from having recourse to the courts, nor be obliged to have recourse to a court other than the court competent to deal with his case, except in accordance with law.

Art. 10. All rights of ownership shall be safeguarded. No forced loans may be imposed, nor may any real or personal property be sequestrated, nor any prohibited article confiscated, except in conformity with law. All unpaid forced labour and general confiscation of movable or immovable property are absolutely forbidden. There shall be no expropriation of the property of any person except in the public interest, and in such circumstances and in such manner as may be prescribed by law, and on condition that just compensation be paid.

Art. 11. No tax may be imposed except in accordance with law, the provisions of which shall apply to all classes of the people.

Art. 12. Freedom of expression of opinion, liberty of publication, of meeting together, and of forming and joining associations is guaranteed to all Iraqis within such limits as may be prescribed by law.

Art. 13. Islam is the official religion of the State. Freedom to practise the rites; of the different sects of that religion, as observed in Iraq, is guaranteed. Complete freedom of conscience and freedom to practise the various forms of worship, in conformity with accepted customs, is guaranteed to all inhabitants of the country provided that such forms of worship do not conflict with the maintenance of order and discipline or public morality.

Art. 14. All Iraqis shall have the right of presenting petitions and memorials to the King, Parliament and the public authorities, setting forth complaints, whether relating to matters

where they are personally concerned or to matters of public interest, in such circumstances and in such manner as may be prescribed by law.

Art. 15. All postal and telegraphic correspondence and all telephonic communications shall be secret and free from censorship or detention, except in such circumstances and in such manner as may be prescribed by law.

Art. 16. The various communities shall have the right of establishing and maintaining schools for the instruction of their members in their own tongues, provided that such instruction is carried out in conformity with such general programmes as may be prescribed by law.

Art. 17. Arabic shall he the official language, except as may be prescribed by it special law.

Art. 18. Iraqis shall be equal in status, as regards the enjoyment of their rights and the discharge of their obligations. Government appointments shall be bestowed upon them alone, to each one without discrimination, in accordance with his capacity and fitness. No persons other than Iraqis shall be employed in Government appointments, except in such exceptional circumstances as may be prescribed by a special law. Foreigners who must or may be employed in accordance with treaties and agreements shall not come within the scope of this article.

Part II. The Prerogatives of the Crown

Art. 19. The sovereignty of the constitutional Kingdom of Iraq resides in the people. It. is a trust confided by them to King Faisal, son of Husain, and to his heirs after him.

Art. 20. The Heir Apparent shall be the eldest son of the King, in direct line, in accordance with the provisions of the law of succession.

Art. 21. On accession to the throne, the King shall swear an oath before a joint meeting of the Chamber of Deputies and the Senate, which shall be presided over by the president of the Senate, that he will observe the terms of the constitution, preserve the independence of the country and strive faithfully to further the interests of both country and people.

Art. 22. The King shall attain his majority on completion of the 18th year. In the event of the throne passing to a person below that age, the King's prerogatives shall be exercised by a Regent chosen by the former King, until such time as the King attains his majority. The Regent, however, may not assume this dignity, nor carry out the functions thereof, unless Parliament approves of his appointment. Should Parliament not approve, or should the former King fail to appoint a Regent, the Regent shall be appointed by Parliament. The Regent shall swear an oath before Parliament, as prescribed in the preceding article. Until such time as the Regent has been appointed and has token the oath, the constitutional prerogatives of the King shall be exercised by the Council of Ministers on

behalf of the people of Iraq, the council being responsible therefor. No modification may be introduced into the constitution during the regency concerning the King's prerogatives and succession to the throne.

Whenever the necessity for the appointment of a Regent arises, Parliament shall be convoked immediately. Should the Chamber of Deputies be dissolved, and the election of the new chamber be not yet completed, the former chamber shall be convoked for this purpose.

Art. 23. The King may absent himself from Iraq in case of need, subject to the passing and publication of a resolution of the Council of Ministers to that effect. Before his departure from Iraq, the King shall with the approval of the Council of Ministers appoint a Regent or Council of Regency, and define the prerogatives which he confers upon him or them.

Neither the Regent nor any member of the Council of Regency shall exercise any of the royal prerogatives, until he has taken the oath prescribed in article 21 of the constitution.

The oath shall be sworn before Parliament, if in session, in the manner prescribed by article 21 above. Otherwise it shall be sworn before the Council of Ministers, in the presence of both the presidents of the Senate and of the Chamber of Deputies, or persons acting on their behalf.

No Minister may act as Regent or member of the Council of Regency. If a member of Parliament is appointed Regent or member of the, Council of Regency, he may not carry out his parliamentary duties while acting in that capacity. Should the King's absence extend over a period exceeding 4 months and Parliament not be in session, it shall be convoked forthwith, in order to deal with the matter.

The Regent or member of the Council of Regency must be of Iraq nationality and must not be less than 30 years of age, but, a male relative of the King who has completed his 18th year may also, be appointed.

Art. 24. The King may not ascend a throne outside Iraq, except with the consent of Parliament.

Art. 25. The King is safeguarded and is not responsible.

Art. 26.

1. The King is the supreme head of the State. He confirms laws, orders their promulgation and supervises their execution. By his order regulations are drawn up for the purpose of giving effect to the terms of laws, in so far as such laws contain provisions therefor.

2. The King issues orders for the holding of general elections to the Chamber of Deputies and for the convocation of Parliament. He opens Parliament, adjourns, prorogues or dissolves it, in accordance with the provisions of this law.

3. Should necessity arise, when Parliament is not sitting, for taking urgent measures for the maintenance of order and public security, or to ward off a public, danger, or for the urgent expenditure of public moneys not authorised by the budget or by special law, or for the fulfilment of treaty obligations the King shall have the right of issuing ordinances, with the concurrence of the Council of Ministers, having the force of law, directing that the necessary steps shall be taken according to circumstances, provided that they are not contrary to the provisions of this constitution Such ordinances must all be laid before Parliament at its first session, with the exception of those issued for the purpose of fulfilling treaty obligations approved by Parliament or the Constituent Assembly. Should Parliament not approve these ordinances, the Government must declare them to be no longer operative and they shall be considered to be abrogated as from the date of such declaration. Such ordinances shall be signed by all Ministers.

   The word «law» shall include ordinances issued in accordance with the provisions of this article, unless the text contains anything to the contrary.

4. The King concludes treaties. He may not ratify them, however, until they have been approved by Parliament.

5. The King select. the Prime Minister, and upon the recommendation of the latter appoints Ministers and accepts their resignation from office.

6. The King appoints the members of the Senate and accepts their resignation from office.

7. The King, upon the proposal of the responsible Minister, appoints and dismisses all diplomatic representatives, civil officials, qadhis and civil judges, and bestows military rank, unless, ill accordance with special regulation, he delegates that power to some other authority. He also has the right of conferring honours and titles and similar marks of distinction.

8. The King is Commander-in-chief of all the armed forces. He declares war subject to the consent of the Council of Ministers. He concludes treaties of peace, provided that, he shall not definitely ratify them until approved by Parliament. He may also proclaim martial law to be in force, subject to the provisions of this law.

9. The coinage shall be struck in the King's name.

10. The death sentence shall not be, carried out until confirmed by the King. The King may reduce sentences or remit them by special pardon. He may also pronounce a general amnesty subject to the consent, of both assemblies.

Part III. The Legislature

Art. 27. The King shall exercise his powers by means of Royal Iradas [Decrees]. They shall issue upon the proposal of the responsible Minister or Ministers with the concurrence of the Prime Minister, and shall be, signed by them.

Art. 28. Legislative power is vested in Parliament and the King. Parliament is composed of the Senate and the Chamber of Deputies.

The legislature has the right of making laws and of amending and repealing them in conformity with the provision, of this law.

Art. 29. The King shall open Parliament in person or depute the Prime Minister or one of the Ministers for that purpose to perform the opening ceremony and deliver the speech from the throne.

Art. 30. No person may become a member of the Senate or Chamber of Deputies

1. Who is not a national of Iraq.

2. Who claims foreign nationality or protection.

3. Who is less than 30 years of age in the case of deputies and less than 40 years of age in the case of senators.

4. Who has been adjudicated bankrupt and has not been legally rehabilitated.

5. Who has been interdicted, such interdiction being still in force.

6. Who has lost his civil rights.

7. Who has been sentenced to a. term of imprisonment, for a period not less than 1 year in respect of any offence not of a political nature, or has been sentenced to any imprisonment for theft, bribery, breach of trust, forgery, fraud or any other crime incompatible with personal honour.

8. Who has a material interest direct or indirect in any contract with a public department of Iraq, unless such interest arises from his being a shareholder in a company composed of more than 25 persons. Farmers of land tax and lessees of Government «mulk» *(2)* and «miri» (3) lands shall be excepted from the operation of this clause.

9. Who is a lunatic or an idiot.

10. Who is related to the King in such degree as may be prescribed by special law:

Provided always that no person may be a member of both assemblies at the same time.

Art. 31. The Senate shall be composed of not more than 20 members, appointed by the King, from among persons whose conduct has secured the confidence and esteem of the public and those who have served the State and nation with distinction in the past.

Art. 32. The term of membership of the Senate shall be 8 years, half the Senators retiring every 4 years, such retiring Senators being eligible for re-appointment. On the occasion of the first change being made, the first half shall be selected by lot.

Art. 33. The president and vice-president shall be elected by the assembly from among their number for a period of 1 year subject to confirmation by the King. They shall be eligible for re-election.

Art. 34. The Senate shall assemble and disperse at the same time as the Chamber of Deputies.

Art. 35. A member of the Senate, in addition to travelling expenses, shall receive an annual allowance of 5,000 rupees for each ordinary session only, and a sum of 1,250 rupees for every mouth in prolongation of such session or for every month of an extraordinary session.

Art. 36. The Chamber of Deputies shall be constituted by election of the basis of 1 deputy for every 20,000 males.

Art. 37. The method of election to the Chamber of Deputies shall be prescribed by a special law based on the principle of the secret ballot and the necessity for the representation non-Islamic minorities.

Art. 38. The term of the Chamber of Deputies shall be for 4 ordinary sessions, each year 1 session beginning on the 1st Day of November following the elections. If the 1st of that month fails on an official holiday, then from the day following, subject to the terms of paragraph (2) of article 26, dealing with the dissolution of the chamber.

Art. 39. The King shall convoke the chamber for its ordinary sittings in the capital on the 1st day of November of each year, in accordance the terms of article 38.

Should the chamber not be so convoked on that day, it shall meet of its own accord.

Thereupon it shall commence its ordinary session, which shall extend for 4 months, unless the King has dissolved the chamber before the expiration of that period, or has extended the duration of the session to facilitate the completion of urgent business. Should the duration of the session be so extended, such session may not exceed a total period of 6 months.

The chamber may adjourn from time to time according to the internal regulations of the chamber. It shall also adjourn its sittings if the King shall so order not more than 3 times in any session, for periods which shall not exceed a total period of 2 months. In computing the period of the session the time covered by the said adjournments shall not be counted.

Art. 40.

1. In the event of a dissolution of the chamber, fresh elections must. be held. The new chamber shall be convoked in extraordinary session within a period not exceeding 4 months from the date of dissolution. This session shall be held in accordance with the terms of article 39 of this law relating to adjournment and extension. Such session must be prorogued on the 31st October in any event, in order that the first ordinary session of the period mentioned above may begin at the beginning of November. If the extraordinary session occurs in the months of November and December, such session shall be considered the first ordinary session of that period. If the Chamber of Deputies is dissolved for any special reason, the new chamber may not. be dissolved for the same reason.

2. When not in ordinary session, the King may convoke Parliament for an extraordinary session to deal with matters referred to in the order of convocation. Such session shall be prorogued by Royal Irada.

Art. 41. A former deputy is eligible for re-election.

Art. 42. Every male Iraqi who has completed his 30th year and is not under any of the disqualifications set out in article 30, is eligible for membership of the Chamber of' Deputies. He may represent only one of the constituencies to be prescribed by the electoral law. In the event of a person being elected for more than one constituency, he must choose the constituency which he desires to represent, within a period of 8 days from the date on which he is informed. Officials who are elected have the right of deciding whether they will accept membership or not. With the exception of Ministers, those who decide to become members must give up their Government appointments during the period of membership.

Art. 43. The Chamber of Deputies shall settle any question connected with the qualifications requisite for the election of deputies, including objections raised against. their election. It shall also deal with matters relating to vacancies and resignations.

Art. 44. The Chamber of Deputies shall elect a president, two vice-presidents and two secretaries from among their number each year, during the first sitting of the chamber. The result of this election shall be made known to the King and shall be confirmed by him. When necessary, one of the vice-presidents shall act for the president.

Art. 45. Every member of the Chamber of Deputies has the right to propose the enactment of a draft law, except in what concerns; the financial matters referred to

hereinafter, provided that he has the support of ten of his colleagues. If such proposal is accepted by the chamber, it shall be sent to the Council of Ministers, in order that a draft law may be prepared. Any proposal which is rejected by the chamber may not be re-introduced during the same session.

Art. 46. A member may resign his seat as deputy by forwarding his resignation in writing to the president. Such resignation shall not become effective unless accepted by the Chamber of Deputies.

Art. 47. In the event of a vacancy occurring in the Chamber of Deputies caused by the death, resignation, loss of requisite qualifications, or absence from the chamber of any member, a by-election shall be held immediately, in compliance with a notification by the president.

Art. 48. A member in the Chamber of Deputies is regarded as being a representative of the whole of Iraq and not of his constituency alone.

Art. 49. A member absent from the chamber without leave or without just cause for a period of 1 month is considered to have resigned, subject to the terms of article 46.

Art. 50. In addition to travelling expenses, a member of the Chamber of Deputies shall receive an annual allowance amounting to 4,000 rupees for an ordinary session and 1,000 rupees for every additional month beyond that period, or for every month of an extraordinary session.

Art. 51. Before entering upon their labours, deputies and senators shall take an oath before their respective assemblies that they will be loyal to the King, observe the constitution, serve the nation and the country, and faithfully perform the duties for which they have been elected.

Art. 52. Neither assembly shall enter upon its labours unless the sitting is attended by at least one more than half of its members.

Art. 53. Decisions shall be taken by a majority of votes of the members present, unless otherwise provided by this law. If the voting is equal, the president shall have a casting vote. No majority shall be obtained unless half the members. present cast their vote. Each member shall vote in person. The method of voting shall be prescribed in the internal regulations of the assembly.

Art. 54. Every member of Parliament has the right to put questions and demand explanations from Ministers. Discussions arising therefrom and from answers given in reply thereto shall be carried on in the manner prescribed by the internal regulations of each assembly, provided that such discussion shall not take place until 8 days at least have elapsed from the day on which such questions or demands for explanations were put. This procedure may be departed from in urgent cases or by consent of the Minister.

Art. 55. The assemblies shall pass draft laws article by article separately, and then again as a whole.

Art. 56. No armed force may enter the assembly or remain near its precincts, unless requested to do so by the president.

Art. 57. The meetings of both assemblies shall be open to the. public. At the request, however, of one of the Ministers, or four of the senators, or ten of the deputies, the debate on the question under discussion shall be conducted *in camerâ*.

Art. 58. No person may enter either assembly and speak. therein, except members, Ministers or high officials deputed by Ministers during their absence, or a person invited so to do by the assembly.

Art. 59. The Senate and the Chamber of Deputies shall have the right of issuing rules and regulations concerning the following matters:

1. The manner of exercising and maintaining the powers, privileges and safeguards conferred upon the assembly by this law.

2. The transaction of the business of both assemblies and the conduct of debates, whether sitting separately or jointly.

Art. 60. No member of Parliament shall be arrested or brought to trial while Parliament is in session, unless the assembly of which he is a member shall pass a resolution by a majority of votes that sufficient reasons exist for his being charged, or unless he is arrested while in the act of committing a crime. Every member shall have the right of absolute freedom of speech, subject to the regulations of the assembly of which he is a member. No legal proceedings shall be taken against him on account of a vote given, or opinion expressed, or speech made during the debates and discussions of the assembly. Should a representative be arrested for any reason when Parliament is not sitting, the Government must inform the assembly thereof when it re-assembles, furnishing explanations and reasons therefor.

Art. 61. A Minister who is a member of either the Senate or Chamber of Deputies shall have the right of voting in the assembly of which he is a member and the right of speaking in both assemblies. Ministers who are not members of either assembly shall have the right of speaking in both, but not of voting. Ministers, or persons representing them in their absence, shall have the right of precedence over other members in addressing the assemblies.

Art. 62.

1. All draft laws must be submitted to one of the two assemblies. It passed, they shall be submitted to the other assembly. They shall not become law unless passed by both assemblies and confirmed by the King.

2. Both assemblies shall deal with draft laws presented to them by the Government. After they have been passed, they shall be submitted to the King, who shall either confirm them or return them, stating his reasons for so doing, within a period of 3 months. Should one of the assemblies decide that any draft law is of an urgent nature, such draft law must be confirmed, or returned within a period of 15 days for reconsideration, together with a statement of the reasons for so doing.

3. Any draft laws rejected by both assemblies shall not be re-introduced during the same session.

Art. 63. In the event of one of the assemblies rejecting a draft law twice, and the other assembly insisting upon its acceptance, a joint meeting of the members of the Senate and Chamber of Deputies shall be held, presided over by the president of the Senate, with the object of discussing the articles regarding which a divergence of opinion exists. If the draft law is accepted, with or without amendment, by a majority composed of two-thirds of the members of the joint assembly, such draft law shall be considered to have been passed by both assemblies, but shall not become low until it has been confirmed by the King. If not passed in this manner, such draft law shall not be re-introduced into either assembly during the current session.

Part IV. The Council of Ministers

Art. 64. The number of the Ministers of State shall not exceed 9 nor be less than 6. No person may be a Minister who is under any of the disqualifications mentioned in article 30. A Minister who is not a member of either assembly shall not. remain in office for more than 6 months, unless appointed member of the Senate or elected to the Chamber of Deputies before the expiration of flint period. A Minister who is receiving a salary as a Minister shall not at the same time be entitled to his allowances as member of one of the assemblies. A Minister shall not be allowed to buy or lease any of the property or possessions of the State.

Art. 65. The Council of Ministers will undertake the conduct of affairs of State. It shall assemble under the chairmanship of the Prime Minister, in order to decide what steps shall be taken with regard to affairs concerning more than one Ministry; and in order to deal with important matters in which the various Ministries are concerned. The Prime Minister shall submit the recommendations of the council to the King for the purpose of obtaining his orders.

Art. 66. Ministers of State shall be jointly responsible to the Chamber of Deputies for affairs dealing by the various Ministries and responsible severally for acts relating to each of the Ministries and departments attached thereto. Should the Chamber of Deputies pass a vote of no confidence in the Cabinet by a majority of members present, the Cabinet must resign. If the resolution in question relates to one Minister only, such Minister must resign.

At the request of the Prime Minister or of the Minister concerned, the Chamber shall, once only, postpone a vote of no confidence for a period not exceeding 8 days. The Chamber shall not be dissolved during the period.

Art. 67. A Minister shall despatch all business relating to his Ministry and departments attached thereto in manner prescribed by law.

Part V. The Judicature

Art. 68. Judges shall be appointed by Royal Irada and may only be removed in the circumstances mentioned in the special law dealing with the conditions governing their qualifications, appointment, grades and method of dismissal.

Art. 69. The Courts shall be divided into three classes:

1. Civil courts.

2. Religious courts.

3. Special courts.

Art. 70. The manner of instituting the courts, the places where they are to be established, the grades, divisions, jurisdiction and supervision thereof, and the execution of judgments shall be determined by special laws, subject to the provisions of this law.

Art. 71. The courts shall be free from all interference in the conduct of their affairs.

Art. 72. All sittings of the courts shall be open to the public, unless some legal justification exists for holding sittings *in camerâ*. Judgments of the courts, as well as the proceedings thereof, may be published, except those relating to sittings held *in camerâ*. All judgments shall issue in the name of the King.

Art. 73. The civil courts shall have jurisdiction over all persons in Iraq, in all actions and civil and criminal matters, and those brought by or against the Iraq Government, with the exception of actions and matters coming within the jurisdiction of the religious or special courts, as stated hereinafter in this law, or in any other law in force.

Art. 74. The jurisdiction of the civil courts includes civil, commercial and criminal matters, in accordance with the laws in force, provided that in matters relating to the personal status of foreigners and in other civil and commercial matters in which by international custom the terms of the law of a foreign country are to be applied, such law shall be applied in manner to be prescribed by special law.

Art. 75. The religious courts shall be divided into

1. Shara courts.

2. The spiritual councils of the communities.

Art. 76. The Shara courts alone shall be competent to deal with actions relating to the personal status of Moslems and actions relating to the administration of Waqf foundations.

Art. 77. Justice shall be administered in the Shara courts in accordance with the terms of the Shara doctrine peculiar to each of the Islamic sects, in conformity with the terms of a special law. The Qadhi shall be a member of the sect to which the majority of the inhabitants of the place to which be is appointed belong, maintaining the appointment of both Sunni and J'aferi Qadhis in the cities of Baghdad and Basra.

Art. 78. The spiritual councils of the communities include the Jewish spiritual councils and the Christian spiritual councils. Such councils shall be established, and powers of jurisdiction conferred upon them, by a special law.

Art. 79. The spiritual councils shall be competent to deal with the following matters:

1. Matters relating to marriage, dowry, divorce, separation, alimony, attestations of wills other than those attested by a notary public (with the exception of those matters coming within the jurisdiction of the civil courts relating to members of the community), but excluding foreigners who are members of such community.

2. Any other matter of personal status relating to members of the communities, if the parties so agree.

Art. 80. The procedure to be followed and the fees to be levied in the spiritual councils of the communities shall be prescribed by special law. Succession, freedom of testamentary disposition and similar matters relating to personal status not. coming within the jurisdiction of the spiritual councils of the communities, shall be regulated by a law.

Art. 81. A High Court shall be established for the trial of Ministers and members of Parliament accused of political offences relating to their public duties; and for the trial of judges of the Court of Cassation for offences arising out of the performance of their duties; and for examining matters, connected with the interpretation of laws, and their conformity with the constitution.

Art. 82. Should it be necessary to hold a trial as stated in the preceding article, the High Court. shall be convened by means of a Royal Irada to be issued in pursuance of a resolution charging the person concerned, which shall have been passed separately in each ease by a two-thirds majority of the members present in the Chamber of Deputies. The court shall be composed of 8 members, not including the president, to be selected by the Senate in the ratio of four from their own numbers and four from among the senior judges. 16 shall assemble under the chairmanship of the President of the Senate. If lie is unable to attend, the court shall be presided over by the vice-president.

Art. 83. Should it be necessary to investigate any matter relating to the interpretation of the provisions of this or to ascertain whether any of the laws or regulations in force contravenes the provisions of the constitution, the High Court shall be convoked by Royal Irada, to be issued with the concurrence of the Council of Ministers. The court shall be constituted and set up in accordance with the terms of the preceding article. Should Parliament not be in session, the members referred to in the preceding article shall be appointed in conformity with the terms of the Royal Irada, issued for the convocation of the court.

Art. 84. Should it be necessary to interpret laws or regulations in circumstances other than those laid down in the preceding article, a Diwan Khas [special bench] shall be constituted at the request of the Minister concerned, presided over by the president of the Civil Court of Cassation, three members of the court being selected from among the judges of the Court of Cassation, and three others from among senior administrative officials, in accordance with a special law.

Art. 85. Cases dealt with by the High Court must be settled in accordance with law and by a two-thirds majority of the court. The decisions of the court shall not be subject to appeal or cassation. Persons accused by the Chamber of Deputies must relinquish their functions forthwith. If they resign, the legal proceedings instituted against them shall continue.

Art. 86. Every decision taken by the High Court to the effect that any law, or any article of any law, contravenes the terms of the constitution must be taken by a two-thirds majority of the court. If a decision of this nature is taken, the law, or portion of the law in question, contravening the constitution, shall be deemed to be repealed *ab initio*.

Art. 87. Decisions taken by the High Court regarding matters referred to in article 83 (with the exception of those matters referred to in article 86) and taken by the Diwan Khas regarding matters referred to in article 84 shall be taken by a majority of the court or Diwan Khas. Such decisions shall apply to all courts and Government departments.

Art. 88. Special courts or committees shall be set up when necessity for dealing with the following matters:

1. For the trial of members of the Iraq military forces for offences mentioned in the Military Penal Code.

2. For settling criminal and civil cases relating to the tribe, in accordance with tribal custom as provided for by special law.

3. For the settlement of disputes arising between the Government and Government servants concerning their duties.

4. For investigating disputes relating to the possession or boundaries of lands.

Art. 89. The procedure to be followed in the special courts, the fees to be levied, the method of appeal from the judgments of such courts, and the manner in which such judgments may be set aside or confirmed, shall all be prescribed by special law.

Part VI. Financial Matters

Art. 90. All taxes and excise dues shall remain unaltered as from the coming into force of this law, until changed by law.

Art. 91. No taxes shall be imposed except in accordance with a law confirmed by the King after approval by Parliament: provided that this shall not apply to sums of money received by Government departments in return for public services rendered, or for the enjoyment of Government property.

Art. 92. Taxes shall be collected from the various classes of taxpayers, without distinction, and no person may be exempted from payment thereof, except in accordance with law.

Art. 93. No property of the State may be sold, granted, leased or otherwise disposed of except in accordance with law.

Art. 94. No monopoly or concession shall be granted for dealing with or using any of the natural resources of the land, nor for any public service, nor shall the State revenues be farmed out, except in accordance with law, provided that where the period relating to them exceeds 8 years, they must in each ease be the subject of a special law.

Art. 95. The Government may not contract any loan, nor undertake anything involving payment out of public moneys, except in accordance with a special law, unless the budget law makes provision therefor.

Art. 96. All money received by Government officials must be paid into the State Treasury and accounted for in accordance with such procedure as is prescribed by law.

Art. 97. No salary may be allotted, nor remuneration paid, nor any moneys belonging to the State Treasury expended for any reason whatsoever, except in accordance with law. No item in the budget estimates shall be expended except in such manner as is prescribed by law.

Art. 98. The budget estimates shall be sanctioned by an annual law known as «the budget law». The budget law must contain an estimate of the income and expenditure for the year in question.

Art. 99. Parliament must approve the budget in the session preceding the commencement of the financial year to which the law in question relates.

Art. 100. The Minister of Finance must in the first place submit to the Chamber of Deputies all draft laws for the appropriation of moneys or for increasing, decreasing or cancelling the approved budget estimates. Similarly, the budget law and all draft laws relating to loans to be contracted by the Government must be submitted to the Chamber of Deputies.

Art. 101. The debate on the budget law and voting thereon shall take place article by article separately. It shall then be voted upon as a whole. The budget shall be voted upon vote by vote.

Art. 102. Should it he found necessary to expend sums of money urgently while Parliament is not sitting, the expenditure of which has not been sanctioned by the budget or by a special law, the King may, with the concurrence of the Council of Ministers, issue royal ordinances directing that financial measures shall be taken as provided by paragraph (3) of article 26.

Art. 103. Parliament may pass a law for the appropriation of specified sums of money, to be expended over a period of years.

Art. 104. A law shall be passed providing for the setting up of a department for the purpose of examining all expenditure and for the drawing up of a report for presentation to Parliament, at least once in each year, as to whether such expenditure is in conformity with the appropriations as approved by Parliament and has been expended in accordance with the procedure laid down by law.

Art. 105. No draft law may be introduced, nor any proposal put forward in either assembly, involving the expenditure of any portion of the public revenues, except by a Minister.

Art. 106. The Chamber of Deputies may not take any decision, nor propose any amendment to a draft law, involving the reduction of expenditure arising out of treaties approved by Parliament, or the Constituent Assembly, unless approved by the King.

Art. 107. Should the new financial year have begun before the promulgation of the budget law relating thereto, and should Parliament have assembled, the Minister of Finance shall submit a draft law containing provisional budget estimates for a period not exceeding 2 months. On the expiration of the period covered by such estimates, the Minister of Finance may submit a fresh draft law of a similar nature. This procedure may be repeated on such occasions as may be necessary. Should Parliament not be sitting, the budget of the preceding year shall be followed without prejudice to the right of issuing the ordinances referred to in article 102.

Art. 108. The currency system of the State shall be established by law.

Part VII. Administration of the Provinces

Art. 109. The administrative districts of Iraq, their classes, names, manner of institution, the powers of the officials and their titles shall be prescribed by a special law.

Art. 110. The law referred to in the preceding article shall provide that steps shall be taken in certain of the administrative divisions to ensure the performance of any obligations relating thereto, arising out of treaties concluded by the King and approved by Parliament or the Constituent Assembly.

Art. 111. Municipal affairs in Iraq shall be administered by means of municipal councils in accordance with a special law. In the administrative divisions, administrative councils shall perform such duties as may be prescribed for them by law.

Art. 112. Each community shall have the right of establishing councils in important administrative districts, competent to administer buildings and properties dedicated to Waqfs [pious foundations] and bequests for charitable purposes. They shall be competent to deal with the collection of income derived therefrom, and the expenditure thereof, in accordance with the wishes of the donor or with the custom in use among the community. Such communities shall also undertake the supervision of the property of orphans in accordance with law. The councils referred to above shall be under the supervision of the Government.

Part VIII. Confirmations of Laws and Judgments

Art. 113. Ottoman laws published before the 5th November, 1914, and laws, published on or after that date which have remained in force in Iraq up to the time of the publication of this law, shall remain in force in Iraq so far as circumstances permit, subject to any modification or repeal in conformity with the proclamations, regulations and laws referred to in the following article, and until they are altered or repealed by the legislative power, or the High Court issues a decision rendering them null and void in accordance with the provisions of article 86.

Art. 114. All proclamations, regulations and laws issued by the Commander-in-chief of His Britannic Majesty’s forces in Iraq, the Civil Commissioner, and the High Commissioner. and those issued by the Government of His Majesty King Faisal during the period between the 5th November, 1914, and the date of the coming into force of this constitution, shall be considered to be valid as from the date on which they came into force. Any portion thereof still unrepealed by that date shall remain in force until changed or repealed by the legislative power, or until the High Court issues a decision rendering them null and void, in accordance with the provisions of article 86.

Art. 115. Every person shall be considered to be released and exempt from all claims relating to any acts performed by him in good faith in conformity with instructions issued by the Commander-in-chief of His Britannic Majesty's forces in Iraq, the Civil Commissioner, the High Commissioner, the Government of His Majesty King Faisal or by any official duly authorised thereunto, whether in a military or civil capacity, with a view to the suppression of hostilities, the establishment and consolidation of order and

public security, or the carrying out of orders issued in accordance with martial law between the 5th November, 1914, and the date of the coming into force of the constitution. Every act referred to in this article shall be considered to have been done in good faith, unless the complainant can furnish proof to the contrary. Any action or judicial proceeding with regard to any such act shall not. be entertained and shall be considered null and void in the absence of such proof brought forward by the complainant.

Art. 116. All judgments passed in civil and Shara actions by the Ottoman courts before the occupation by His Britannic Majesty's forces, and likewise judgments passed in civil and Shara actions by the courts set up after the said occupation, or by Political and Assistant Political Officers, in matters which come within their jurisdiction, shall be considered to have been given by the regularly constituted courts of Iraq.

Art. 117. All judgments and decisions in criminal matters given by the courts set up after the occupation by His Britannic Majesty's forces or by courts-martial, military courts or by any Military Governor or Political or Assistant Political Officer or other officials authorised to try criminal offences and also the penalties imposed upon those persons tried in the courts referred to above, or by the persons referred to, shall all be considered to have been passed by the regularly constituted courts of Iraq.

Part IX. Constitutional Amendments

Art. 118. Parliament may, within 1 year from the coming into force of this law, amend any of the subsidiary matters contained therein or add to them, in order that the objects of this law may be given effect, provided that Parliament shall agree by a two-thirds majority of votes in both chambers.

Art. 119. Subject to the provisions of the preceding article, no amendment whatsoever may be made in the constitution for a period of 5 years from the date of the coming into force thereof, nor after the expiration of that period, except in the following manner.

Every amendment must be approved by a two-thirds majority of both the Chamber of Deputies and the Senate. After such amendment has been approved, the Chamber of Deputies shall be dissolved and a new chamber elected. An amendment which has been approved by the former chamber shall be submitted again to the new Chamber and Senate. If approved by a two-thirds majority of each assembly the amendment shall be submitted to the King for confirmation and promulgation.

Part X. General Provisions

Art. 120. Should disturbances occur, or should anything happen indicating the likelihood of the occurrence of events of such a character in any part whatsoever of Iraq, or should there be a menace of hostile attack upon any part whatsoever of Iraq, the King shall have power, subject to the approval of the Council of Ministers, to proclaim martial law provisionally in those districts of Iraq exposed to the danger of disturbances or attacks.

The application of the existing laws and regulations may be suspended by the proclamation declaring martial law in force, in such places and to such extent as may be prescribed in such proclamation, provided that those charged with the execution of the proclamation shall be subject to any legal consequences of their acts, until a special law ahs been passed by Parliament exempting them therefrom. The method of administration of the places in which martial law has been declared to be in force shall be prescribed by Royal Irada.

Art. 121. Should it. be necessary to interpret any provision of law:

1. Should the interpretation relate to the provisions of this constitution, it shall appertain to the High Court, as stated in part V of this law.

2. Should the interpretation relate to any law connected with the administration of public affairs, it shall appertain to the Diwan Khas, as stated in Part V of this law.

3. Any other matters requiring interpretation shall appertain to the courts of justice having jurisdiction in the cases in which need for interpretation arises.

Art. 122. The Department. of Islamic Waqfs shall be considered to be an official Government department, its affairs being administered and its finances regulated in accordance with a special law.

Art. 123. This law shall come into force from the date of which it is confirmed by the King.

Made at Baghdad on the 21st day of March, 1925, and the 25th day of Sha'ban, 1343.

Faisal.

[Signatures of Ministers.]

(1) Approved by the Minister of Justice and published in the Iraq Government Gazette», No. 31, August 12, 1928.
(2) «Mulk» means owned property as declared by a deed. Therefore government «mulk» means government owned property. Land under that category was leased or sold to people interested in cultivating them or whatever they were zoned for. (Explanation given by Mr. Shalan Kadri, webmaster of The Constitutional Monarchy Movement.)
(3) «Miri» means any land which is not registered as a government or state property, or as an endowment, and not privately owned to
individual(s). Thus «miri» land belonged (but not owned) by default to the state of Iraq. The government encouraged individual(s) to cultivate the land but not to built fixed establishments in it. Explanation given by Mr. Shalan Kadri, webmaster of The Constitutional Monarchy Movement.)
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Source

British and Foreign State Papers, 1926, Part I, Vol. CXXIII, London 1931, pp. 383-402.

NB! The webmaster takes no legal responsibility for any possible mistakes found at this page. Any amendments or modifications to the Constitution which possibly came into force between 12 August 1928 and the abolishment of the monarchy (coup) 14 July 1958, have not been taken into consideration in this version.

- The Constitutional Monarchy Movement (Sharif Ali Bin Husain's website)
- The Hashemite Royal Family (family ties between the Jordanian and Iraqi Royal Families, incl. HRH Prince Raad Bin Zeid)
- Interim Constitution of 1990 (President Saddam Hussein's regime)
- The Iraqi Foundation
- The Iraqi Congress (exiled)
- Hoelseth's Royal Corner
- The main site

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